

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

December 17, 2004

Minutes of the regular City Council meeting held Monday, December 13, 2004 at 7:00 p.m., Council Chambers, City Center.

All members of the Council were present; Mayor Dowling presided.

Presentation - A plaque to Councilor Gary Veilleux for his term on the City Council

Presentation - Audit Report by Runyon, Kersteen, Ouellette

Presentation - Robert Gregoire, Deputy Police Chief

Public comments were held on items listed on the agenda.

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ AND TABLED, AS AMENDED

- 182 BE IT ORDAINED, That Chapter 18, Section 41 (b) of the Revised Code of Ordinances 1990 (truck weight limits), as amended be further amended by adding the following:

Edward Street, entire length
Kenneth Street, entire length
Patriek Street, entire length

Yeas: 5; Sotir, Doore, Veilleux, Foster,
Lund

Nays: 3; Lerman, Davis, Koski

NEW BUSINESS

HAS BEEN READ AND PASSED, AS AMENDED

- 195 ORDERED, That fees to use the Hatch Hill Solid Waste Disposal and Recycling Facility be revised as follows:

<u>Material</u>	<u>Current Fee</u>	<u>Proposed Fee</u>	<u>Implementation Date</u>
Municipal Solid Waste	\$58/ton	\$70/ton	02/01/2005
Residential Recycling	\$25/ton	\$30/ton	02/01/2005
Other			

NEW BUSINESS (Con't)HAS BEEN READ AND PASSED, AS AMENDED (Con't)

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Recycling	\$45/ton	\$50/ton	02/01/2005
Tires	\$90/ton	\$110/ton	02/01/2005
Tires/each	\$1.50/each	\$2.00/each	02/01/2005
Tires, large trucks & equipment	\$3.00/each	\$20/each	02/01/2005
Per Capita Vehicle Permits,	\$10.50/person	\$15/person	01/01/2006
Commercial Vehicle Permits,	\$4/regis. ton	\$8/regis. ton	07/01/2005
Residential	\$10/\$15/veh	\$15/vehicle	07/01/2005

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

199 ORDERED, That the City Council enter into Executive Session to discuss:

- pending labor negotiations; M.R.S.A. Title 1, Sec. 405 (6) (D).
- pending litigations; M.R.S.A., Title 1, Sec. 405 (6) (E).

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

HAS BEEN READ, FIRST READING

197 BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Chapter 18, Section 34 Schedule of stop signs, flashing red lights, of the Revised Code of Ordinances 1990, as amended, be further amended by adding the following:

<u>Throughway</u>	<u>Entering Street</u>
Congress Street	Third Avenue

(FIRST READING, NO VOTE REQUIRED)

NEW BUSINESS (Con't)HAS BEEN READ, FIRST READING (Con't)

- 198 BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Chapter 18, Section 36 Schedule of yield right-of-way signs, of the Revised Code of Ordinances 1990, as amended, be further amended by deleting the following:

<u>Throughway</u>	<u>Entering Street</u>
Congress Street	Third Avenue

(FIRST READING, NO VOTE REQUIRED)

HAS BEEN READ AND PASSED

- 185 ORDERED, That minutes of the City Council meetings held November 15, November 22, and November 29, 2004 submitted by the City Clerk be approved.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

- 186 ORDERED, That the City Council accept various donations for the new Cony High School in an amount totaling \$77,505.00.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

- 187 ORDERED, That the City Council accept a \$1,000 donation from the Calumet Club for paving, fencing and landscaping improvements to Calumet Park.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

- 188 ORDERED, That the following committee members be reappointed as follows:

<u>NAME</u>	<u>COMMITTEE</u>	<u>EXPIRATION</u>
Anthony Pavone	Board of Assessment Review	11/21/2007
Sylvia Lund	Capital Planning Commission	05/05/2005
Norman Elvin	Tree Board	10/16/2007

NEW BUSINESS (Con't)HAS BEEN READ AND PASSED (Con't)

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David Hasselman	Tree Board	11/20/2007
Raymond Foster	Augusta Housing Authority	12/17/2009
Roberta Record	Conservation Commission	12/31/2007
Rex Turner	Conservation Commission	12/31/2007
Jim Nimon	Augusta Development Commission	12/31/2007

BE IT FURTHER ORDERED That the following individuals be appointed to the following committees:

Virginia Goodlett	Tree Board	12/13/2007
Marc Lacasse	Capital Riverfront Improvement District (Heart of Augusta Rep)	12/13/2005

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

189 ORDERED, That the City Council schedule of meetings for 2005 (as required by Article II, Section 2-50 of the City Code of Ordinances) be set as follows:

- January 3 - Business Meeting to include swearing in of Newly Elected Officials
- January 10 - Informational Meeting
- January 18 - Business Meeting
- January 24 - Informational Meeting

For the remainder of the year, Business Meetings will be held on the first and third Mondays of each month. Informational Meetings will be called by the Mayor or City Manager on an as-needed basis. Business Meetings will be held at 7:00 p.m. and Informational Meetings will be held at 6:30 p.m.

If a meeting date falls on a holiday or if there is a fifth Monday in a month, there will not be a meeting unless it is deemed necessary by the City Council.

BE IT FURTHER ORDERED, That the Mayor, City Council or City Manager may amend or revise dates and times of meetings as is deemed necessary.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

NEW BUSINESS (Con't)HAS BEEN READ AND PASSED (Con't)

- 190 ORDERED, That the City Council accept \$19,000.00 from the Friends of the Kennebec River Rail Trail to cover 100% of the local match requirement (20%) for the design phase of phase 3 of the Kennebec River Rail Trail. The Department of Transportation is administering this phase and is applying \$76,000 (80%) of Federal funding to this design phase for a total design cost of \$95,000.00.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

- 191 ORDERED, That the City Manager is authorized to amend the Franchise Agreement with Adelpia to reduce their hours. The new hours:

Monday - Friday 8:00 a.m. to 6:00 p.m.
Saturday 9:00 a.m. to 1:00 p.m.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

- 192 ORDERED, That a public way known as Wilson Court, no longer of public use and necessity be discontinued; and

That the City chooses to retain a public easement over the herein described area for public utility facilities to provide service and that there shall be zero damages paid to abutting property owners, as would be allowed under Title 23, M.R.S.A., Section 3026.

Description:

Beginning at a point on the southerly line of Wilson Street as accepted by the City of Augusta on October 18, 1982. Said point being the point of curvature on a curve of radius 20 feet and being 148.60 feet westerly of the northeast corner of Lot No. 1 as shown on plan of Fred Wilson Lots made by Waldo W. Hill, April 5, 1973 and recorded at the Kennebec County Registry of Deeds;

Thence westerly and southerly 21.4 feet along the arc of said curve to a point of tangency;

Thence southwesterly along the westerly line of Lot No. 1, 95.73 feet to a point of curvature on a curve of radius 20

NEW BUSINESS (Con't)HAS BEEN READ AND PASSED (Con't)

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feet;

Thence southerly and easterly 16.82 feet along the arc of said curve to a point of reverse curvature, said point being the beginning of a curve of radius 40 feet;

Thence southerly, westerly, and northerly along the arc of said curve to another point of reverse curvature;

Thence continuing northerly 16.82 feet along the arc of a curve of radius 20 feet to a point of tangency;

Thence 80.39 feet along the southeasterly side of Lot No. 4 to a point of curvature on an arc of radius 20 feet;

Thence along the arc of said curve 33.76 feet to a point of tangency on the northerly side of Lot No. 4;

Thence southeasterly along the extension of said northerly line 62.78 feet to the point of intersection of the curve forming the transition of the easterly line of Wilson Court to Wilson Street;

Thence easterly 11.90 feet along the tangent of said transitional curve to the point of beginning.

Meaning and intending to describe all of Wilson Court as accepted by the City of Augusta Council Order 185 on October 18, 1982.

Be it further known that notice has been sent to:

All direct abutters affected on Wilson Court:

First United Pentecostal Church
Augusta Planning Board
Augusta Public Works
Augusta Sanitary District
Augusta Water District
Central Maine Power
Verizon
Adelphia

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

NEW BUSINESS (Con't)HAS BEEN READ AND PASSED (Con't)

- 193 ORDERED, That the City Council does hereby request that the Maine State Department of Transportation maintain a restraining fence on Memorial Bridge as part of the bridge restoration project.

Yeas: 7; Sotir, Doore, Veilleux, Foster,
Davis, Koski, Lund

Nays: 1; Lerman

- 194 ORDERED, That the City Council abate the FY 2004 real estate taxes for Bread of Life for property located at 17-19 Crosby Street (Map 34, Lot 90) in the amount of \$1,119.56 plus tax lien cost and interest for a total of \$1,203.27.

Yeas: 7; Sotir, Doore, Veilleux, Foster,
Lerman, Koski, Lund

Nays: 1; Davis

- 196 ORDERED, That the following property located at:

101 Mt. Vernon Avenue
Augusta, Maine,
Tax Map 25, Lot 235

is declared a "dangerous building"

that is:

- a. structurally unsafe, and
- b. unstable, and
- c. unsanitary, and
- d. constitutes a fire hazard, and
- e. constitutes a health or safety hazard because of inadequate maintenance, dilapidation, obsolescence or abandonment, and
- f. is otherwise dangerous to life or property.

Therefore, the above-mentioned property is adjudged to be a dangerous nuisance, and shall be forthwith repaired or restored to a safe condition, or removed, or demolished within thirty (30) calendar days of the effective date of this Order. Failing said action by the building's owner, and failing the filing of an appeal with the Superior Court within the prescribed period, the City of Augusta shall act to cause the above-mentioned dangerous nuisance to be abated or removed in compliance with this Order. Should the

NEW BUSINESS (Con't)HAS BEEN READ AND PASSED (Con't)

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City of Augusta be required to abate or remove the above-mentioned dangerous nuisance in accordance with this Order, all expenses attendant thereof shall be repaid to the City by the owner or co-owner within thirty (30) days after demand or a special tax may be assessed by the City Assessor against the land on which said building was located for the amount of such expenses and such amount shall be included in the next annual warrant to the City's tax collector for collection, and shall be collected in the same manner as other state, county, and municipal taxes are collected. In addition to levying a special tax, the City may recover its expenses by means of a civil action brought against the owner.

Yeas: 8; Sotir, Doore, Veilleux, Foster,
Lerman, Davis, Koski, Lund

Nays: 0

Respectfully submitted,

Barbara E. Wardwell
City Clerk